

REMARKS

In the Office Action mailed March 27, 2008, claims 1-11 are currently pending. Claims 3 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 3 and 9 and therefore respectively request that this rejection be withdrawn.

In addition, Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Veres et al. (US Patent No. 6,807,156) (“Veres ‘156”). Applicants respectively traverse. After a careful review of the Office Action, Applicants’ claim clarifications, and the cited reference, Applicants respectively request reconsideration in view of the following remarks.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Veres et al. (US Patent No. 6,807,156). Applicants respectively traverse.

A. Applicant’s Presently Claim Invention

Applicants’ presently claimed invention generally relates to data communication systems, and more particularly relates to a method and system for measuring end-to-end perceived data quality in wireless data communication systems. Applicants’ Specification Page 1, Lines 5-7.

As Applicants explain, with the introduction of wireless data networks it has become important to measure the end-to-end quality for the different types of services that can be used over a (wireless) data network, not only from a technical point of view but also from the point of view of the user, how does the user perceive the quality of a network on the lower layers of the OSI model, for example on the physical, transport or network layer. But for the broad

acceptance of wireless data networks, and for the resulting commercial success, it is necessary to assess how the user of these wireless services will perceive the quality of the service. To be able to assess the perceived quality based on lower layer measurements it is necessary to determine how lower layer measurements correlate with the perception of the quality. Applicants' Specification Page 1, Lines 10-21.

The presently claimed invention relates to field measurements because these measurements provide the best correlation with user perception. One aspect of the presently claimed invention particularly focuses on the end-to-end perceived quality for a service that will be broadly used on wireless data networks: downloading files using FTP (File Transfer Protocol). Applicants' Specification Page 1, Lines 23-27.

Applicants' presently pending claims are generally directed to such a method and system for determining a user perceived quality indicator for end-to-end data transfer in a wireless data network. For example, Applicants' pending independent claim 1 has been clarified to expressly recite a "method for determining a user perceived quality indicator for end-to-end data transfer in a wireless data network." The method includes the steps of "measuring at least one wireless system performance indicator during transfer of a predefined data type specimen" and "calculating the user perceived quality indicator for said predefined data transfer type and for at least one other data transfer type from said measurement." (emphasis added). Applicants' remaining independent claim 10 has been clarified to recite similar limitations.

B. Veres '156 Does Not Anticipate Applicant's Presently Claim Invention

Veres '156 does not anticipate Applicant's presently claim invention. For example, as explained above, Applicants' presently claimed invention is directed to a method for determining a user perceived quality indicator for end-to-end data transfer in a wireless data network. Veres

‘156 does not teach determining a user perceived quality indicator, let alone determining a user perceived quality indicator for end-to-end data transfer in a wireless data network (emphasis added).

Rather, Veres ‘156 appears merely directed to a system and method for monitoring and determining the quality of service (QoS) in a network. Veres ‘156 describes a system using sophisticated “service dependent analysis.” Service dependent analysis relies on different applications delivering different services that require specific measurements. Veres Col. 4, Lines 44-50. Veres ‘156 states that the present method can be efficiently used in networks consisting of a hundred, or more, of routers and large subscriber populations where placement of monitoring in all routers is not economic. Veres ‘156 Col. 5, Lines 5-9. Veres ‘156 does not teach or suggest an end-to-end user perceived quality for a service that can be used on a wireless data networks such as downloading files using FTP (File Transfer Protocol).

To anticipate a claim, “each and every element set forth in the claim [must be] found, either expressly or inherently described, in a single . . . reference.” *Vergall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (M.P.E.P. Section 2131). Consequently, since Veres ‘156 does not teach or suggest “an end-to-end user perceived quality of service,” Veres ‘156 simply also does not teach or suggest utilizing this “an end-to-end user perceived quality for a service that can be used on a wireless data networks.” Veres ‘156 therefore does not to teach every element of the claimed invention and, therefore does not anticipate Applicant’s presently pending Independent Claims.

III. SUMMARY

Applicants respectfully submit that, in view of the remarks above, the present application, including claims 1-11, is in condition for allowance and solicit action to that end.

If there are any matters that may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned representative at (312) 913-0001.

Respectfully submitted,

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Date: June 27, 2008

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